

## UNITED STATES DISTRICT COURT

for the

District of North Dakota

Civil Division

Renee Kay Martin, Parent

TRL-Minor child of Brandon Richard Laducer

BRW-minor child of Brandon Richard Laducer

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

United States of America

"see attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

|                  |                                       |              |                 |
|------------------|---------------------------------------|--------------|-----------------|
| Name             | Renee Kay Martin                      |              |                 |
| Address          | 624 6 <sup>th</sup> Street East Apt 2 |              |                 |
|                  | West Fargo                            | ND           | 58078           |
|                  | <i>City</i>                           | <i>State</i> | <i>Zip Code</i> |
| County           | Cass                                  |              |                 |
| Telephone Number | 701-729-4474                          |              |                 |
| E-Mail Address   | shenae3110@gmail.com                  |              |                 |

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

## Defendant No. 1

|   |                             |              |                 |
|---|-----------------------------|--------------|-----------------|
| Name  | Kelan Gourneau              |              |                 |
| Job or Title <i>(if known)</i>  | BIA Lieutenant              |              |                 |
| Address   | 1310 Francis St.Claire Road |              |                 |
|   | Belcourt                    | ND           | 58316           |
|   | <i>City</i>                 | <i>State</i> | <i>Zip Code</i> |
| County  | Rolette                     |              |                 |
| Telephone Number  | (701)477-6134               |              |                 |
| E-Mail Address <i>(if known)</i>  |                             |              |                 |
| <input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity |                             |              |                 |

## Defendant No. 2

|   |                              |              |                 |
|---|------------------------------|--------------|-----------------|
| Name  | Michael Slater               |              |                 |
| Job or Title <i>(if known)</i>  | BIA Officer                  |              |                 |
| Address   | 1310 Francis St. Claire Road |              |                 |
|   | Belcourt                     | ND           | 58316           |
|   | <i>City</i>                  | <i>State</i> | <i>Zip Code</i> |
| County  | Rolette                      |              |                 |
| Telephone Number  | (701)477-6134                |              |                 |
| E-Mail Address <i>(if known)</i>  |                              |              |                 |
| <input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity |                              |              |                 |

## Defendant No. 3

|                                  |   |              |                 |
|----------------------------------|---|--------------|-----------------|
| Name                             | Evan Parisien   |              |                 |
| Job or Title <i>(if known)</i>   | BIA Officer   |              |                 |
| Address                          | 1310 Francis St. Claire Street  |              |                 |
|                                  | Belcourt  | ND           | 58316           |
|                                  | <i>City</i>   | <i>State</i> | <i>Zip Code</i> |
| County                           | Rolette   |              |                 |
| Telephone Number                 | (701)477-6134   |              |                 |
| E-Mail Address <i>(if known)</i> |   |              |                 |
|                                  | <input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity |              |                 |

## Defendant No. 4

|                                  |   |              |                 |
|----------------------------------|---|--------------|-----------------|
| Name                             | Joesph Kaufman  |              |                 |
| Job or Title <i>(if known)</i>   | Rolette County Police Chief   |              |                 |
| Address                          | 16 1 <sup>st</sup> Ave SW   |              |                 |
|                                  | Rolla   | ND           | 58367           |
|                                  | <i>City</i>   | <i>State</i> | <i>Zip Code</i> |
| County                           | Rolette   |              |                 |
| Telephone Number                 | (701)477-5623   |              |                 |
| E-Mail Address <i>(if known)</i> |   |              |                 |
|                                  | <input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity |              |                 |

**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

- ☒ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Tribal Jurisdiction and Violation of Civil Rights.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Pro Se Complaint for Violation of Civil Rights (Non-Prisoner)

Additional Defendants List

Defendant No. 5

Name Earl Charbonneau  
Job or Title BIA Officer  
Address 1310 Francis St. Claire Street  
Belcourt, ND 58316

County Rolette  
Telephone Number (701)477-6134  
Email address (if known)  
Individual Capacity Yes Official Capacity Yes

Defendant No. 6

Name Nathan Gustafson  
Job or Title Rolette County Sheriff  
Address 16 1<sup>st</sup> Ave SW  
Rolla, ND 58367

County Rolette  
Telephone Number (701)477-5623  
Email address (if known)  
Individual Capacity Yes Official Capacity Yes

Defendant No. 7

Name Reed Mesman  
Job or Title Special Agent, Federal Bureau of Investigations  
Address 100 1<sup>st</sup> Ave SW

Minot, ND 58701

County            Ward

Telephone Number    (701)852-5071

Email address (if known)

Individual Capacity Yes                      Official Capacity Yes

Defendant No. 8

Name            Craig Zachmeier

Job or Title      Special Agent, NDBCI

Address          311 3<sup>rd</sup> Street SE  
Rugby, ND 58368

County            Pierce

Telephone Number    (701)776-6112

Email address (if known)

Individual Capacity Yes                      Official Capacity Yes

Defendant No. 9

Name            Trenton Gunville

Job or Title      Officer, Rolette County

Address          16 1<sup>st</sup> Ave SW  
Rolla, ND 58367

County            Rolette

Telephone Number    (701)477-5623

Email address (if known)

Individual Capacity Yes                      Official Capacity Yes

Defendant No. 10

Name Jayde Slater  
Job or Title Officer, Rolette County  
Address 16 1<sup>st</sup> Ave SW  
Rolla, ND 58367

County Rolette County  
Telephone Number (701)477-5623  
Email address (if known)  
Individual Capacity Yes Official Capacity Yes

Defendant No. 11

Name Mitchell Slater  
Job or Title Officer, Rolette County  
Address 16 1<sup>st</sup> Ave SW  
Rolla, ND 58367

County Rolette  
Telephone Number (701)477-5623  
Email address (if known)  
Individual Capacity Yes Official Capacity Yes

Defendant No. 12

Name Andrew Saari Jr  
Job or Title Officer, Rolette County  
Address 16 1<sup>st</sup> Ave SW  
Rolla, ND 58367

County Rolette

Telephone Number (701)477-5623

Email address (if known)

Individual Capacity Yes

Official Capacity Yes

Defendant No. 13

Name William Poitra

Job or Title Chief of Police, Rolette County

Address 16 1<sup>st</sup> Ave SW  
Rolla, ND 58367

County Rolette

Telephone Number (701)477-5623

Email address (if known)

Individual Capacity Yes

Official Capacity Yes

Defendant No. 14

Name Heather Baker

Job or Title Officer, BIA

Address 1310 Francis St. Claire Street  
Belcourt, ND 58316

County Rolette

Telephone Number (701)477-6134

Email address (if known)

Individual Capacity Yes

Official Capacity Yes

Defendant No. 15

Name           Annette Laducer  
Job or Title    Homeowner  
Address       Box 1078  
                  Belcourt ND 58316

Telephone Number

Email Address (if known)

Individual Capacity Yes

Official Capacity Yes



Civil Rights -Due Process and Violation of Brandon Richard Laducer's Tribal jurisdictional rights and sovereignty.

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Violation of Civil Rights, Due Process, Procedures and Tribal Jurisdiction laws.

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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Turtle Mountain Indian Reservation

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

August 23, 2020 Approx 12:03 am

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

Brandon Richard Laducer, enrolled member of the Turtle Mountain Tribe of Chippewa Indians, was murdered by Bureau of Indian Affairs(BIA) and Rolette County Sheriffs Department officers after Belcourt police officers were contacted by Rolette County Sheriffs department involving an incident that occurred off reservation in Bottineau County.

Per the North Dakota Bureau of Criminal Investigation( NDBCI) report received in April, 2022, Officer Kelan Gourneau, BIA Lieutenant, offered to pursue a Brandon Laducer on Turtle Mountain Tribal lands in response to a call from unknown person(s) about the Bottineau incident because they had an active Tribal Warrant for his arrest. Officer Gourneau also stated they knew where to find him. Brandon Richard Laducer was born a different year and has a different address than Brandon L Laducer. They have different physical attributes as well. Brandon L Laducer is listed as caucasian. If Officer Gourneau would have taken the time to ensure he had the correct wanted suspect than according the NDBCI report, they would have pursued Brandon L Laducer. However, Brandon L Laducer is listed as Caucasian in the report and the Bureau of Indian Affaris officers could not legally obtain him due to Indian Country jurisdictional laws. They would need to contact Rolette County Sheriffs department to assist, not the other way around. We believe officers knew that Brandon L Laducer did not live at that address, we allege they used the warrant as a guise to enter the Laducer homestead without cause.

In other words, BIA Law Enforcement had no reason to enter Richard Laducer's homestead without a warrant for the arrest of Brandon Richard Laducer for an incident that occurred in Bottineau County. Instead they arrived without permission and without lights or sirens or warning.

According to the report, they did not obtain permission from Richard Laducer until after the shooting, and NDBCI Special Agent Craig Zachmeier did not know who the homestead owner was when filing the closed report dated 12/03/2021.

When Brandon Richard Laducer was exiting the home where he was asleep, he was shot several times by officers including officers from Rolette County and was killed almost instantly.

It wasn't until North Dakota Bureau of Criminal Investigations arrived when they found they pursued the wrong Brandon Laducer and realized that Brandon Richard Laducer did not have an active warrant on tribal lands or in the State of North Dakota. Also, Bottineau County Sheriffs Department did not request assistance from Bureau of Indian Affairs officers. It was Rolette County Sheriff's office that reached out to Bureau of Indian Affairs Law Enforcement and according to the report, someone else that was not identified, notified BIA Law Enforcement.

The affadavit received states the BIA officers did not share who reached out to them with information surrounding events that occurred in Bottineau County and neither the FBI or NDBCI bothered to verify any of the information.

Instead of BIA officers contacting immediate family members such as Brandon's parents or children,per Tribal Code and BIA policy, Officer Evan Parisein contacted business owner in Bottineau and informed her Brandon Laducer was apprehended, he called a second time and stated she did not have to worry anymore because he was dead . He was the officer that delivered the deadly shot to Brandon's heart. The business owner is not protected by Tribal Jurisdiction.

The family has sent several FOIA requests to Bottineau County Sheriffs department with no response. When members of Brandon Richard Laducer's family met with Assistant US Attorney Eric Lundberg and FBI Agent Reed Mesmann on February 18, 2021, they were told the police were called to the residence because Brandon Richard Laducer's aunt Annette Laducer was having a mental health crisis.

However, when the family received the official report in April, 2022, it was a completely different narrative. The FBI agent nor the Assistant U S Attorney shared they were in pursuit of the wrong Brandon Laducer. The FBI insists the incident in Bottineau County had nothing to do with the police presence at the Laducer residence on August 23, 2020. But that's not what the NDBCI report states

#### **IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mr Brandon Richard Laducer died from injuries sustained from gun shot wounds delivered by Bureau Of Indian Affairs Officers and Rolette County Sheriffs Department. BCA report states that life saving efforts were attempted but Brandon was already dead from the gunshot wounds.

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#### **V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Brandon Richard Laducer is the great, great, grandson of Chief Red Bear, the original Chief of Turtle Mountain Band of Chippewa Indians and as an enrolled tribal member, he is afforded tribal jurisdictional rights as prescribed by the United States Constitution and Turtle Mountain Band of Indians Tribal Code which states all are assumed innocent until proven guilty.

When the family spoke to FOIA officials in November and December of 2021, they stated they had not received the corroborating evidence such as video, pictures or other evidence from the Bureau of Indian Affairs.

The family has been held to a disadvantage because of the short time to process and follow our legal rights as citizens of the United States of America and as enrolled tribal members of Turtle Mountain Band of Chippewa Indians, Red Lake Nation of Chippewa Indians and Leech Lake Band of Chippewa Indians. We feel our tribal sovereign rights have been violated. Brandon Richard Laducer was pursued and murdered because officers did not follow their prescribed procedures. The children and family of Brandon Richard Laducer need answers as no one from BIA has reached out to the family at all after his death and we didn't know what transpired until April, 2022.

Brandon Richard Laducer's children have not received his death certificate and have not been afforded victim services or the opportunity to apply for social security benefits due to lack of information and communication.

We want the court to provide financial and medical relief to Brandon's children; his daughter as she is suffering from PTSD due to her father's death and is being bullied in school because of the narrative shared in the press about what happened to her father and by Turtle Mountain Band of Chippewa Indians members. His son is also depressed and went from being a star athlete and student to being incarcerated at Red Wing correctional facility.

The amount we are requesting is \$20,000,000. This amount is being requested because of the number of officers involved with his death and since his death, no one from the Bureau of Indian Affairs has reached out to the family even though Brandon's parents have sent multiple FOIA requests to Bureau of Indian Affairs and Department of Justice.

We pray the court will afford Brandon Richard Laducer's family the opportunity to clear Brandon Richard Laducer's name as the officers did not admit their mistake and those involved attempted to blame him and his family, especially his mother. It is time the Turtle Band of Chippewa Indians know the truth of what transpired at the Laducer residence on August 23, 2020

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## **VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

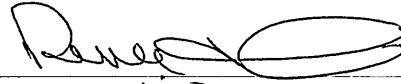
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

8/22/2022 <sup>DM</sup>  
~~08/19/2022~~

Signature of Plaintiff

Renee K Martin



Printed Name of Plaintiff

Renee K Martin

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address